

Opening Statement of the Honorable Fred Upton
Subcommittee on Environment and the Economy
Markup of H.R. ____, the Improving Coal Combustion Residuals Regulation Act of 2015
March 24, 2015

(As Prepared for Delivery)

Today's subcommittee markup is the culmination of a multi-year and multi-Congress effort. Our committee has been at the forefront of this debate, and I commend Chairman Shimkus and Mr. McKinley for their great patience and persistence – it's about to pay off.

The coal ash bill before us today is a model of how we can collaborate across the federal government to come up with responsible solutions to protect both human health and the environment. This thoughtful approach will also protect hundreds of thousands of jobs and preserve the recycling of coal ash, which is widely used in construction materials and roads in Michigan and across the country. Stakeholders are clamoring for a workable solution, and this package delivers.

Dating back to 2010, the administration proposed regulations for managing the ash that is a byproduct of using coal. But limitations of the law prevented EPA from creating a permit program to implement the standards for coal ash unless it treated coal ash as a special waste, which would harm recycling and destroy jobs.

In response we pursued a solution by which state governments would be allowed to implement standards through state permit programs.

On numerous occasions in the 112th and 113th Congresses, the House approved our solution with broad bipartisan support, with the effort only to come up short in the Senate. Meanwhile, under court order, at the end of last year EPA finally published a final rule setting out what the agency believes are the requirements for coal ash disposal.

Upon its release, the committee carefully studied the EPA rule. What we learned is that right now, the EPA rule can only be enforced through citizen suits, which will result in endless litigation. We solve that problem by allowing states to implement the EPA regulations through enforceable permit programs. Instead of rejecting EPA's rule, we proposed using it in the legislation before us today as the basis for the minimum national standards for state permit programs.

This breakthrough idea works for states and for stakeholders, while preserving the protective requirements for coal ash articulated by the administration. The states, Congress, and the Executive Branch each have an important contribution. This bill includes roles for all three.

It is also important to note that this debate and this legislation is not about the merits of burning coal, but rather it's about how we safely manage the ash after it has been burned.

This is the right solution to move forward and I urge the strong bipartisan support to continue.

###